

## **REMARKS/ARGUMENTS**

The office action mailed June 30, 2005, has been reviewed. Claims 1,3 and 5 have been amended and claims 4 and 8-15 have been cancelled. For the reason set forth below, Applicant believes the claims pending in the application are now in condition for allowance.

### **Election/Restrictions**

In the office action the Examiner stated that claims 8-15 were withdrawn from further consideration pursuant 37 C.F.R. 1.142(b) as being drawn to a non-elected invention since there was no allowable generic or linking claim. In the reply filed on February 28, 2005 Applicant's Attorney elected claims 1-7, without traverse. Accordingly, claims 8-15 have been cancelled by the present amendment.

### **Claim Objections**

In the office action dated June 30, 2005, the Examiner objected to claims 3-7 because of the following informality, namely, that in claim 3, line 4 --the-- should be inserted before "first". Applicant has by the present amendment amended claim 3 to overcome the informality cited by the Examiner. Accordingly, it is respectfully requested that the Examiner withdraw the objection to claims 3-7.

### **Rejection of Claim 1 under 35 U.S.C. 102(b)**

In the office action mailed June 30, 2005, the Examiner rejected claim 1 under 35 U.S.C. 102(b) as being anticipated by the Japanese reference '222.

In support of the rejection the Examiner stated the following:

The Japanese reference '222 discloses the claimed invention support member 7 and connector 15.

It is respectfully submitted that the Japanese reference '222 does not anticipate the inventive concept recited in amended claim 1. That is, claim 1, as amended recites an apparatus for assisting in the replacement of a windshield wherein the apparatus comprises at least one window support assembly consisting essentially of a support member and a self-tapping screw. The support member is characterized as having a first end, a second end and a passageway extending therebetween. Further, the support member is fabricated of a substantially non-resilient, corrosive resistant material. The self-tapping screw, on the other hand, is disposable within the passageway of the support member such that a distal end portion of the self-tapping screw extends outwardly from the second end of the support member for selectively connecting the support member to a portion of the frame of the vehicle located in the pinch weld of the vehicle such that the support member is engagable with a lower edge of a windshield for supporting the windshield during positioning of the windshield in a window frame of the vehicle and for stabilizing the

windshield within the window frame of the vehicle while preventing the weight of the windshield from extending a bonding agent from between the windshield and the window frame during bonding of the windshield within the window frame of the vehicle.

As understood, the Japanese reference '222 does not disclose, teach or even suggest an apparatus for assisting in the replacement of a windshield as recited in Applicant's amended claim 1. The Japanese reference teaches a device wherein an elastic member provided in the device holds the lower stationary window glass so as to allow the glass to be secured to the window frame while the holder is fixed on a body in advance.

The window support assembly of the apparatus recited in Applicant's claim 1 has been amended to recite that such assemblies consist essentially of a support member wherein the support member is fabricated of a substantially non-resilient, corrosive resistant material. In addition, the structures disclosed in the Japanese reference '222 do not recite or teach the window support assemblies of the apparatus of Applicant's amended claim 1, i.e., Applicant's claimed invention does not contain the receptor inserted into the hole made in the cowl top panel, or the stay connected to the risers 9, or the elastic section formed to extend in a wave-like configuration forward as an internal unit of a forward end of the apparatus disclosed in the Japanese reference '222.

Accordingly, it is respectfully submitted that the Japanese reference '222 does not anticipate Applicant's claimed invention recited in claim 1, as amended, within the meaning of 35 U.S.C. 102(b). Therefore, it is respectfully requested that the rejection be withdrawn. Such as respectfully requested.

**Rejection of Claims 1-3 under 25 U.S.C. 102(b)**

In the office action the Examiner rejected Applicant's claims 1-3 under 35 U.S.C. 102(b) as being anticipated by Silverwood (U.S. 4,189,979). In support of the rejection the Examiner stated:

Silverwood discloses the claimed assembly including a support member 12, and a connector 10 with a head portion and ledge. The assembly of Silverwood is considered to be capable of functioning as a window support as recited.

The before stated rejection of the Examiner, as applicable to amending claim 1 and thus claims 2 and 3 which depend there from, is respectfully traversed.

As previously stated, Applicant's claim 1, as amended, recites an apparatus for assisting in the replacement of a windshield wherein the apparatus comprises at least one window support assembly consisting essentially of a support member and a self-tapping screw. The support member is characterized as having a first end, a second end and a passageway extending therebetween. Further, the support member is stated to be

fabricated of a substantially non-resilient, corrosive resistant material. The self-tapping screw, on the other hand, is disposable within the passageway of the support member such that a distal end portion of the self-tapping screw extends outwardly from the second end of the support member for selectively connecting the support member to a portion of the frame of the vehicle located in the pinch weld of the vehicle such that the support member is engagable with a lower edge of a windshield for supporting the windshield during positioning of the windshield in a window frame of the vehicle and for stabilizing the windshield within the window frame of the vehicle while preventing the weight of the windshield from extending a bonding agent from between the windshield and the window frame during bonding of the windshield within the window frame of the vehicle.

Claim 2 ,which depends from claim 1, states that the support member has a circular cross section; and claim 3, which depends on claim 2, states that the connector is characterized as having a head portion on a proxal end of the connector, the head portion having a diameter greater than the diameter of the support member such that, in an assembled position, a peripheral portion of the head portion of the connector cooperates with the first end of the support member to provide a ledge for stabilizing the replacement windshield on the support member.

It is respectfully submitted that Silverwood does not anticipate Applicant's inventive concept as recited in amended claim 1, and thus dependant claims 2 and 3, within the meaning from 35 U.S.C. 102(b). Silverwood's fastener for securing and sealing sheet metal in space relationship to a support. Silverwood discloses a fastener assembly including a screw threaded fastener which has a ridged expander positioned around its shank below the head. A resilient washer having an outwardly directed flange is provided on the fastener shank and the assembly is completed by a rigid spacer. In use, the fastener is applied to secure a roofing sheet to a purlin with the spacer supporting the sheet away from the purlin so as to accommodate relatively soft insulation material disposed between. The expander is forced into the sealing washer during tightening of the fastener to form a water tight seal.

It is respectfully submitted that Silverwood does not disclose, teach or even suggest an apparatus for installing a windshield as recited in Applicant's amended claim 1, and thus claims 2 and 3 which depend therefrom. Only upon severe modification of the Silverwood fastener, utilizing Applicant's own disclosure as the basis of such modification, could one even reconstruct a device over which one could support the Examiner's rejection under 35 U.S.C 102(b).

In addition, there is no motivation to so modify the apparatus of the reference. Therefore, it is respectfully requested that the Examiner withdraw

the rejection of claims 1-3 under 35 U.S.C. 102(b) and pass such claims to issue.

**Rejection of Claim 4 under 35 U.S.C. 102(a)**  
**In the Office Action dated June 30, 2005, the Examiner also rejected**  
**Claim 4 under 35 U.S.C. 102(a) as being unpatentable over**  
**Silverwood in view of Fanciullo (U.S. 3,889,569).**

In support of the rejection the Examiner stated:

Silverwood discloses the claimed invention except for the connector being threadably disposed through the passageway of the support member.

Fanciullo discloses the support member 250 with a passageway threadably disposed on a connector 40 in order to secure the support member to the connector prior to use.

The Examiner then concluded that it would have been obvious to one having ordinary skill in the art at the time that the invention was made to threadably dispose the connector through the passageway of the support member of Silverwood as taught by Fanciullo in order to maintain the support member on the connector prior to use for ease in using the assembly.

The Examiner's rejection of claim 4 has been obviated by the canceling of such claim. However, as such claim has been incorporated, at least in part, into claim 1 as amended, is respectfully submitted that Silverwood does not disclose, teach or even suggest an apparatus for assisting in the replacement of a windshield wherein the apparatus comprises at least one window support assembly consisting essentially of a support member as defined in claim 1 and

a self-tapping screw used in combination with the support member for securing the support member to a portion of the frame of the vehicle located in a pinch weld of the vehicle so that the support member is engagable with the lower edge of the windshield for supporting the windshield during positioning of the windshield in a window frame of a vehicle and for stabilizing the windshield within the window frame of the vehicle while preventing the weight of the windshield from extruding a bonding agent from between the windshield and the window frame during bonding of the windshield within the window frame of the vehicle.

It is respectfully submitted that Silverwood does not disclose the combination of the support member and self-tapping screw of the window support assembly of claim 1 for the same reasons that reference does not anticipate the inventive concept recited in claim 1, (as amended). Thus, comments concerning the teachings of Silverwood will not be reiterated herein, but such are deemed relevant to the Examiner's rejection of claim 4, as applicable to amended claim 1, and thus are hereby expressly incorporated herein by a reference.

In addition, it is respectfully submitted that Fanciullo does not supply the deficiencies of the Silverwood reference. Fanciullo discloses a sealing washer for high torque spinning bolt-head outdoor uses. Broadly, the inventive concept of Fanciullo resides in a washer having a lower section provided with a lesser



diameter at its lower end than at its upper end and having bolt engaging ridges. While it may be true that the washer is shown as having a passageway extending therethrough to which the bolt extends, there is no suggestion in the reference for combining such a teaching with the fastener of Silverwood in order to reconstruct a device for which one could maintain Applicant's invention is obvious. That is, it is respectfully submitted that the prior art references of Silverwood and Fanciullo, whether viewed singularly or in combination, do not disclose, teach or even suggest the apparatus recited in Applicant's claim 1 which comprises at least one window support assembly consisting essentially of a support member and a self-tapping screw as defined in claim 1.

From the above, it becomes apparent that the fastener for securing and sealing sheet metal in space relationship to a support of Silverwood and the sealing washer for high torque spinning bolt-head outdoor uses of Fanciullo are completely different in structure and function than the apparatus recited in Applicant's claim 1, as amended. It further becomes apparent that an attempt to modify the fastener assembly of Silverwood with selectively dissected elements from Fanciullo in an effort to reconstruct an apparatus over which one can maintain the inventive concept recited in claim 1 (as amended) is obvious within the meaning of 35 U.S.C. 103 must fail, especially in view that there is no motivation, teaching or even suggestion in either of the references to

reconstruct a device in order to maintain such reconstructed device renders Applicant's inventive concept recited in claim 1 (as amended), is obvious.

Therefore, in view of the comments set forth above, it is respectfully requested that the Examiner withdraw the rejection to claim 4, as applicable to amended claim 1, now pending in the application.

### **Rejection of Claims 5-7 under 35 U.S.C. 103(a)**

In the office action of June 30, 2005, the Examiner also rejected Applicant's claims 5-7 under 35 U.S.C. 103(a) as being unpatentable over Silverwood. In support of this rejection the Examiner stated:

Silverwood discloses the claimed invention except for the specific dimensions of the support member and the connector.

Therefore, the Examiner then contended that it would have been obvious to one having ordinary skill in the art at the time that the invention was made to construct the support member and the connector to have the claimed dimensions as an obvious matter of choice of an assembly and of a size suitable for the intended use absent the strong showing of criticality in hereof.

For the reasons set forth herein and above the Examiner's rejection of claims 5-7 under 35 U.S.C. 103(a) as being unpatentable over Silverwood is respectfully traversed. The basis for Applicant's position has here-to-for been discussed with reference to the Examiner's rejection of claims 1-3 and 4. Thus,

the arguments and comments concerning the Silverwood reference will not be repeated herein but are expressly incorporated by reference.

In summary, it is respectfully submitted that Silverwood does not disclose, teach or even suggest the inventive concept of claim 1, as amended, namely an apparatus for assisting in the replacement of a windshield wherein the apparatus comprises at least one window support assembly consisting essentially of a support member and a self-tapping screw. The support member is characterized as having a first end, a second end and a passageway extending therebetween. Further, the support member is stated to be fabricated of a substantially non-resilient, corrosive resistant material.

The self-tapping screw, on the other hand, is disposable within the passageway of the support member such that a distal end portion of the self-tapping screw extends outwardly from the second end of the support member for selectively connecting the support member to a portion of the frame of the vehicle located in the pinch weld of the vehicle such that the support member is engagable with a lower edge of a windshield for supporting the windshield during positioning of the windshield in a window frame of the vehicle and for stabilizing the windshield within the window frame of the vehicle while preventing the weight of the windshield from extending a bonding agent from between the windshield and the window frame during bonding of the windshield within the window frame of the vehicle. Therefore, it is respectfully requested

that the Examiner withdraw the rejection to Applicant's claims 5-7 and pass such claims to issue.

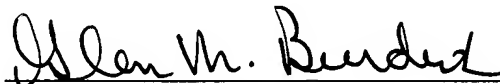
### **Prior Art Made of Record**

The prior art made of record is not relied upon but which was considered to be pertinent to Applicant's disclosure has been reviewed. However it is the Applicant's position that the cited references are no more pertinent than those cited by the Examiner. Thus, no further comments concerning the prior art made of record is believed necessary.

## CONCLUSION

It is respectfully submitted that the claims, as amended, and now pending in the case are in condition for allowance for the reasons stated herein and above. Therefore it is requested that the Examiner reconsider each and every rejection as applicable to the claims now pending in the application and pass such claims to issue. This is intended to be a complete response to the office action mailed June 30, 2005. Should the Examiner have any questions regarding this Amendment, or the remarks contained herein, Applicant's attorney would welcome the opportunity to discuss such matters with the Examiner.

Respectfully submitted,



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